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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/120,763
	Filing Date	July 22, 1998
	First Named Inventor	Mark H. ETZEL
	Group Art Unit	2131
	Examiner Name	JAMES SEAL
Total Number of Pages in This Submission	Attorney Docket Number	29250-000262

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Exhibit I Exhibit II
Remarks		The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name Gary D. Yacura	Reg. No. 35,416
Signature			
Date	August 23, 2002		

CERTIFICATE OF MAILING/TRANSMISSION			
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Typed or printed name	Jennifer C. Pierce	Date	August 23, 2002
Signature			

Best Available Copy

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#13

DATE: August 23, 2002

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COMPANY: USPTO

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PATENT
29250-000262

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark H. ETZEL et al.

Conf: 2566

Serial No.: 09/120,763

Group: 2131

Filed: July 22, 1998

Examiner: James Seal

For: METHODS AND APPARATUS FOR ENHANCED CMEA INCLUDING A
CMEA ITERATION PRECEDED AND FOLLOWED BY
TRANSFORMATIONS AND EMPLOYING AN INVOLUNTARY LOOKUP

PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW HOLDING OF ABANDONMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

August 23, 2002

Dear Sir:

In response to the Abandoned Status of the subject application, Applicant hereby respectfully petitions under the provisions of 37 C.F.R. 1.181 and M.P.E.P. §711.03(c) for decision to withdraw the holding of abandonment.

During a telephonic Examiner interview, Examiner Seal indicated that this application was abandoned in view of Applicant's failure to reply to an Office Action mailed June 28, 2001. During the months of June and July, the attorneys of record and the correspondence address was for the law firm of Birch Stewart Kolasch & Birch, and the undersigned was partner of that firm. However, this Office Action was never received by the offices of the Birch Stewart firm, and a search of the file jacket for the present application and the firm docketing records reveals that this Office Action was never received. The offices of the undersigned did not become aware of the Office Action until advised by Examiner Seal during the telephonic interview.

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The fact that the Office Action dated June 28, 2001 was never received in the offices of Birch Stewart Kolasch & Birch is evidenced by **Exhibits I-II** attached hereto.

Exhibit I is a copy of the front page of the attorney's file jacket of Serial No. 09/120,763 (which corresponds to Attorney Docket No. 2925-262P). It was the policy in the Birch Stewart firm to record all information regarding Office Actions and responses on the front page of the file jacket. As the Petition Examiner will note, there is no entry for the Office Action dated June 28, 2001 on the front page of the file jacket of the above-referenced application.

Exhibit II is a copy of the computer-generated daily docket sheet of the Birch Stewart firm for the date of September 28, 2001 (the due date for replying to the Office Action), containing entries made by their Docketing Personnel of due dates in response to United States Patent and Trademark Office Actions. It was the policy of the Birch Stewart firm to docket all due dates for Office Actions received from United States Patent and Trademark Office into the computer docketing system.

The undersigned certifies that he has reviewed the computer-generated daily docket sheets for the due date of September 28, 2001 and did not locate an entry which corresponds to Attorney Docket No. 29250-262P.

In view of the above-described facts, it is respectfully submitted that the abandonment of the present application was unavoidable and due solely to problems with the mailing of the June 28, 2001 Office Action. Accordingly, this petition is being timely filed for the purpose of petitioning withdrawal of the abandonment in view of the above-stated facts.

Since the above-mentioned Office Action was never received in the offices of the undersigned, it is believed that no petition fee is necessary in connection with this petition. In

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the event that the petition fee is deemed necessary by the United States Patent and Trademark Office, it is respectfully requested that the fee of \$130.00 as set forth in 35 U.S.C. §1.17(h)(1) be charged to Deposit Account No. 08-0750.

In the event that any matters remain at issue in the application, the Examiner is invited to contact the undersigned at (703) 390-3030 in the Northern Virginia area, for the purpose of a telephonic interview.

Respectfully submitted,

HARNES, DICKEY AND PIERCE P.L.C.

By


Gary D. Yacura
Reg. No. 35,416P.O. Box 8910
Reston, VA 20195

GDY:jcp

Attachments: Exhibits I-II

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